

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOSEPH J. FLEMING,

Defendant.

CASE NO. 8:05CR97

MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's motion to dismiss for lack of jurisdiction (Filing No. 80).

On October 3, 2005, the Defendant was sentenced after pleading guilty to an Information charging him with possession with intent to distribute 500 grams or more of a mixture or substance containing methamphetamine. (Filing No. 68.) Federal Rule of Criminal Procedure 12(b)(3)(B) provides that a motion arguing lack of jurisdiction must be made while a case is pending. Because this case is no longer pending, the motion is denied without further discussion.

IT IS ORDERED:

1. The Defendant's motion to dismiss for lack of jurisdiction (Filing No. 80) is denied; and
2. The Clerk is directed to mail a copy of this Memorandum and Order to the Defendant at his last known address.

DATED this 14th day of November, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge